

## **Windward Estates HOA Board Meeting March 6, 2021**

Board Members in attendance: Steve Diedrich, Tim Douglass (Proxy), Tom Caffery, Bebi Singh

Board Members not in attendance: Trevor Brown

Residents in attendance: Scott Dalzell (4569 WC), Joseph Alvarez (4485 YC)

Call to order: 9:01 AM

4 of 5 Board members in attendance: we have a quorum

Proof of Meeting: sign posted 3/2/21

### **Update on Fining Committee Action (Tom Caffery)**

- Committee met on 2/27/21 and rejected fine imposed by Board on 1/16/21 on 4539 WC
- Resident has several items that need to be corrected. Detailed list compiled by Committee and presented to resident. Cleanup to be completed on or before 3/31/21 or new violation letter will be sent and process begins again

### **Sign Amendment (Steve Diedrich)**

- Two (2) options were drafted by Attorney. See attached.
- US Flags are not included in restrictions. Typical US Flags are 3' x 5'
- Motion to adopt Option 2. Moved by Tom Caffery, 2<sup>nd</sup> by Bebi Singh. Approved unanimous
- Amendment is adopted as written below

Article VI, Section 7 of the Amended and Restated Declaration of Covenants and Restrictions shall be amended to read as follows:

#### **AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS WINDWARD ESTATES HOA**

Note: Additions indicated by underlining. Deletions indicated by ~~strike-through~~.

#### **ARTICLE VI: RESTRICTIVE COVENANTS**

Section 7. Signs. No sign shall be displayed with the exception of a maximum of one (1) "For Sale" sign upon each lot not exceeding 36" X 24", and shall otherwise comply with the Orange County sign ordinances and regulations. Political and ideological signs are permitted in accordance with Orange County's Code of Ordinances, Section 31.5-141, related to political and ideological signs, except that the maximum allowable copy area shall be sixteen (16) square feet per lot, and the maximum height of any such sign shall be five (5) feet. Such signs are permitted 90 days prior to an election or referendum, and must be removed 10 days after the vote on the election, referendum or campaign issue. Such signs shall not contain any profanity.

Bylaws and C&R allow that Amendments to the Declaration can be approved by two-thirds of the Board of Directors. After Board has approved/ adopted the amendment; it must be recorded in the public records of Orange County, Florida.

After it is recorded, a copy of the recorded amendment must be sent to all Owners within 30 days of being recorded.

Attorney will prepare a Certificate of Amendment to be executed by the President (Tom Caffery) in the presence of two witnesses and a notary. Trevor Brown is a Notary and has agreed to do such.

#### **Entrance Cleanup (Steve Diedrich)**

- Cleanup of leaves at entrance was included in budget.
- Approved/ Proceed

#### **Board Member Resignation (Steve Diedrich)**

- Tim Douglass has tendered his resignation effective 3/13/21. He is moving
- Motion: Accept his resignation
  - Moved Bebi Singh, 2<sup>nd</sup> Tom Caffery, Approved Unanimous
- Board has been soliciting residents to find a replacement. Candidates will be reviewed and a replacement will be appointed
- Thank you, Tim, for your service

Meeting Adjourned 9:17 AM

**Attachment 1: Amendment Options**

**AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS AND RESTRICTIONS WINDWARD ESTATES**

Note: Additions indicated by underlining. Deletions indicated by ~~strike-through~~.

Proposed Amendment (Option 1):

Article VI, Section 7 of the Amended and Restated Declaration of Covenants and Restrictions shall be amended to read as follows:

**ARTICLE VI RESTRICTIVE COVENANTS**

Section 7. Signs. No sign shall be displayed with the exception of a maximum of one (1) "For Sale" sign upon each lot not exceeding 36" X 24", and shall otherwise comply with the Orange County sign ordinances and regulations. Political and ideological signs are permitted in accordance with Orange County's Code of Ordinances, Section 31.5-141, related to political and ideological signs. Such signs are permitted 90 days prior to an election or referendum, and must be removed 10 days after the vote on the election, referendum or campaign issue. Such signs shall not contain any profanity.

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Proposed Amendment (Option 2):

Article VI, Section 7 of the Amended and Restated Declaration of Covenants and Restrictions shall be amended to read as follows:

**ARTICLE VI RESTRICTIVE COVENANTS**

Section 7. Signs. No sign shall be displayed with the exception of a maximum of one (1) "For Sale" sign upon each lot not exceeding 36" X 24", and shall otherwise comply with the Orange County sign ordinances and regulations. Political and ideological signs are permitted in accordance with Orange County's Code of Ordinances, Section 31.5-141, related to political and ideological signs, except that the maximum allowable copy area shall be \_\_\_\_\_ square feet per lot, and the maximum height of any such sign shall be \_\_\_\_\_ feet. Such signs are permitted 90 days prior to an election or referendum, and must be removed 10 days after the vote on the election, referendum or campaign issue. Such signs shall not contain any profanity.

## Attachment 2: Pre-Meeting Materials/ Background

Recall we wanted to have detailed language in the C&R pertaining to signs, specifically politically signs

Our current C&R Declaration provides as follows:

SECTION 7. Signs. No sign shall be displayed with the exception of a maximum of one (1) "For Sale" sign upon each lot not exceeding 36" x 24", and shall otherwise comply with the Orange County sign ordinances and regulations

Consensus of the Board at our last meeting was that we wanted to allow political signs, but put some limits as to size and duration

Attorney has drafted 2 options for the Board's review.

Option 1 defers to Orange County: Additions are underlined

**Section 7. Signs.** No sign shall be displayed with the exception of a maximum of one (1) "For Sale" sign upon each lot not exceeding 36" X 24", and shall otherwise comply with the Orange County sign ordinances and regulations. Political and ideological signs are permitted in accordance with Orange County's Code of Ordinances, Section 31.5-141, related to political and ideological signs. Such signs are permitted 90 days prior to an election or referendum, and must be removed 10 days after the vote on the election, referendum or campaign issue. Such signs shall not contain any profanity.

Current Orange County Ordinances

The maximum allowable copy area for political signs or ideological signs in residential districts shall be sixteen (16) square feet per lot. The maximum allowable copy area for political signs or ideological signs in all other zoning districts shall be thirty-two (32) square feet per parcel, except that the maximum allowable copy area for a political sign or ideological sign displayed on a billboard shall be as set forth in the standards for billboards.

The maximum height of any political sign or ideological sign shall be eight (8) feet, except that the maximum height of a political sign or ideological sign on billboard shall be as set forth in the standards for billboards.

Since the ordinance is written as a "maximum" allowed, the attorney suggests that the Board limit the size of the signs. An 8-foot-tall sign seems very large in comparison to a normal subdivision Lot, and 16 square feet per Lot also seems to be fairly large.

Option 2 may be a better option for our needs

**Section 7. Signs.** No sign shall be displayed with the exception of a maximum of one (1) "For Sale" sign upon each lot not exceeding 36" X 24", and shall otherwise comply with the Orange County sign ordinances and regulations. Political and ideological signs are permitted in accordance with Orange County's Code of Ordinances, Section 31.5-141, related to political and ideological signs, except that the maximum allowable copy area shall be \_\_\_\_\_ square feet per lot, and the maximum height of any such sign shall be \_\_\_\_\_ feet. Such signs are permitted 90 days prior to an election or referendum, and must be

removed 10 days after the vote on the election, referendum or campaign issue. Such signs shall not contain any profanity.

Diedrich Suggestions for size limits: 16 square feet per lot, and the maximum height of any such sign shall be 4 feet. (for discussion)

- a typical yard sign is about 4 square feet (16 sq ft = up to four 2 x 2 signs)
- a US flag is either 3 x 5 (15 sq ft) or 4 x 6 (24 sq ft) for comparison purposes
- political flags would count in the sign limits
- US flags are not considered to be a sign so are not restricted

As you know, amendments to the Declaration can be approved by two-thirds of the Board of Directors.

- After the Board has approved the amendment, it must be recorded in the public records of Orange County, Florida.
- After it is recorded, a copy of the recorded amendment must be sent to all Owners within 30 days of being recorded.

The amendment can be adopted at a “regular” Board meeting (with 48 hours’ posted notice).

Attorney notes: However, because it involves the use of the Lots, the Board may want to provide additional notice and ask for input from the Owners (that is up to the Board). I recall that the Board went through a more robust notice and comment period when it adopted the Amended and Restated Declaration, but this is just one amendment that should not be overly controversial (but you never know what is considered controversial to a particular Owner).

Steve’s opinion: additional input not needed

Attorney will prepare a Certificate of Amendment to be executed by the President in the presence of two witnesses and a notary.

- Trevor is a Notary
- Board members we can be witnesses, but we can recruit other neighbors or spouses